1871-72
(L.R).

File No: 7.
Serial No: 1-6.

Sub:- Settlement of Malnad Inams

G. R. S. IX-5]

Previous references.

1871-72.
~~191~~.
(L. R.)

File No. 7.

Serial Nos. 1-6

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-6.

Part B for

SUBJECT.

Settlement of Malwa & Inams.

Judges & Magistrates

W D 88—GPB—50,000—24-7-16

1-26

From

1871 No. 135

To Offg Asst Comptr

Dated Camp Peakadyur 28th Nov 71

Despatched

Received

Enclosures No.

General No. 4359 } 1871/72

Sec. No. 97 }

Your letter No 88 of the 23rd instant, requesting for inspection Copies of Proceedings Nos 17, 18 & 19 issued for payment of Assistants in dispersing of the Grain in the purgs of the Inclosed of the Rajpur Bn, and stating that Capt Rogers has sent the Capt of Rajpur for his opinion

In reply I beg to state that the Chief Comptr will await the receipt of the Remarks of the Capt of Rajpur on the proceedings submitted with the above,

MR.

Which should be duly
submitted—

Brandon

28/11/71.

To Inspector with the papers
as ordered by the Chairman

No. 143

1872

From The Quan Commr

To The Secretary to the Chief Commissioner

Dated Banff 10th Feby 1872

Despatched 14th "

Received 16th "

Enclosures No. 1

General No. 127 / 18

No. /

Ch. Comm. No. 16 Feb 72

Disposed of by my Parcel of this date

8/4/72

R. L.

Has the honor to forward, for the Chief Commissioner's consideration & orders thereon, Copy of the Surveyor Commissioner's letter No 19 of the 6th January 72, & of the Map of Quan Communication referred therein

R. L.

Qtg Quan Commr

No. 17 *of* 1872.

SURVEY COMMISSIONER'S OFFICE,
BOMBAY, *6th January* 1872.

From

COLONEL W. C. ANDERSON,

Survey and Settlement Commissioner of Mysore.

To

THE INAM COMMISSIONER OF MYSORE.

SIR,

I have the honor to forward the following remarks upon the Proceedings of the officiating Inám Commissioner of Mysore of 18th October 1871 No. 17, forwarded to me for this purpose with your memo No. 310 of the 29th ultimo.

2. I object entirely to the statement in para 3—"Although it was successfully pointed out that these ináms also were grants of land, the Chief Commissioner has been pleased to rule, &c." The point as stated was asserted indeed, but by no means to the conviction of the Chief Commissioner: my own belief, from all the correspondence I had read upon the subject, and from the analogy of ináms in a similar class of country in the Bombay Presidency, was that these ináms in wargs, that is inám grants of a certain portion of the assessment of a warg, were no more than cash allowances or assignments of a certain portion of the revenue payable directly by the wargdar without the intervention of the Treasury, and that the inámdar had no more lien upon the land than Government had so long as the assessment was paid under the same conditions as it would be payable to Government.

3. There may be some ináms of a different character, namely, specific grants of land, such as are found ordinarily in the open country, and in the intermediate talooks between the "Malnád" and the plain country it is probable that a mixture of both kinds of inám will be found.

4. The state of land tenures in Nagar and in the District of North Canara, present to this day several marked points of similarity, forming as both Districts did, part of the ancient kingdom of Bednúr. I was at the time of the discussion before the Chief Commissioner in January 1870, aware that Sir T. Munro had expressed his views somewhere in his published writings on the subject of these ináms, but I could not lay my hand on the passage in question, which, however, I am now able to quote from his report dated 31st May 1800, para 29, as follows.—

"29. None of the inám sannads in Canara contain any grants of lands, as they do in "other parts of India; all that they do is to specify the names of the different land-hold- "ers, and the amount of the public rent of each, and to direct that the whole of this "rent shall thenceforward be paid to a certain pagoda or inámdar. But the land "itself not being at the disposal of the sarkár, all sannads are of course silent with res- "pect to it; and could there be any doubt as to the meaning of this silence, it would "be removed by the universal custom of the country, by which no individual inámdar "or community of inámdars, such as the Brahmans of a pagoda, have the smallest con- "trol over the lands assigned for the payment of their inám. Government, therefore, "in reforming the revenue system of the Province, have no new rights to private property "in land to create."

These observations of Sir T. Munro represent truly the land tenure system, and it is, I think, incumbent on us to strengthen instead of weakening the feeling of property in land here described.

5. In para 5 it is stated that "Ináms the situation of which is identified should be confirmed in land." It is not specified how the identification of situation is to be effected, and the commencement of para 5 runs to the same effect.

6. The course laid down in para 7 would result in a whole survey field or several fields being made into jódi ináms when the cash inám represented a portion only. The opinion of Major Prescott, acting Survey Commissioner, is quoted in favor of this course. But on reference to his letter alluded to, No. 487 of the 25th May 1868, para 6, I find that he advocated this course in reference to survey fields held partly as inám and partly as Government, there being no boundary between the two descriptions of tenure, and the whole being evidently held by one person, the inámdar. In such a case there could be no hardship whatever in the adoption of the course proposed. I cannot find on my records any copy of Secretary's letter No. 5615—117 of the 2nd February 1869, and shall be obliged by your supplying it to me.

7. Now the above case differs much from that proposed in your orders, when the holder of the land and the inámdar are different persons, and the inám is essentially a cash grant which consists of revenue payable to the inámdar instead of to the Treasury. The action of para 7 of your orders would be to convert all the field or fields out of the revenue of which an inám was assigned into jódi inám.

8. Sir T. Munro in the passage above quoted gives what all information leads me to believe to be the correct status of the Malnád and Canara cash inámdars. Private rights in land exist in those Districts in the most complete form, the strength of the country secured the land-holders there from the destructive Maharáta incursions, and out of security grew property. The wargdar or land-holder's rights under Government and subject to payment of revenue, were full and complete; the inámdar's rights were confined to receipt of the revenue, he had no hold on the land. We propose at the desire of the inámdar to allow him to select any field or fields he chooses equivalent in value to the inám as the precise land representing the inám. Having gained this much the next step will be to endeavour to oust the land-holder, by asserting non-payment of the inám grant. I do not think that there can be any doubt about the non-acceptability of this plan to the land-holder, and without his consent it appears to me that we have no right to alter his position in any way for the worse or to benefit the inámdar at the expense of the land-holder.

9. To avoid future grave complications and infinite squabbling between the newly made land inámdars and the wargdars, it appears to me that the consent of the wargdar should be in all cases necessary to the arrangement detailed in the 3rd clause of the minute of discussion, dated 15th January 1870, forwarded with the Secretary's docket No. 5083—266 of the 18th January 1870.

10. We must further remember that if a cash inám is changed into land in the occupation of the wargdar, and enfranchised, the inámdar can sell that inám; it is true that he can only sell what he possesses himself, but in the case of a poor wargdar and an influential purchaser, the chance of the former not going to the wall would be but small.

11. Another difficulty arises in connection with the proposed mode of dealing with these ináms in wargs, namely, the mode of realizing the local fund cess. It is clear that the wargdar would be liable to pay the local and irrigation cess on the survey assessment of his land. It is also clear that all ináms of any kind, whether cash ináms or otherwise, are also liable to ordinary local cess. Now the inám in these cases has hitherto been of the nature of a cash grant, and if there was no defined connection with any land on the cash grant the levy of local cess would be just, and besides the wargdar would pay on his survey assessment; but once the inám is definitely connected with the land, one local cess will cover both the inám and the land, and the Government will lose the other. I assume that cash ináms are liable to local taxation, for I can see no reason why they can be exempted.

12. Again, a further difficulty will occur, which has not been hitherto considered, which is, the possibility of an increase of assessment at the end of the period for which the present assessment is guaranteed. The inám is now one of a certain value in money; if that is turned into land at the present survey valuation, we have a great probability that it will represent a considerable larger money value at any future revision of assessment, by the amount of which increase the State would be the loser.

to the inámdar; but in the large majority of cases liberality to the inámdar means trenching on the ryots of some other class or on those of the State; in the last case it is only the State which suffers injury from its own act, but in the case of the land-holders it is different; they are not a very influential class in comparison with the inámdars, and the State is bound to afford them the fullest security, and not subject them to the chance of injury, or their position to deterioration, under an idea of conciliating the inámdars.

29. I am not precisely acquainted with every variation of the existing tenures or terms on which these villages, partly Government and partly inám, are held in Mysore; but I am very familiar with them elsewhere, and do not imagine that any forms new to me will be met with in Mysore. The orders relating to the treatment of these villages are not so detailed and clear as to provide definite instructions for every case, and the observations on what appears to me the proper course to adopt may be in accordance with your principles of action, or they may, on the contrary, not be entirely so. They must be taken as far as they go and as far as they may be applicable.

30. Paras 47, 48.—"Rékha-nashta" lands. There can be no doubt that where an inám grant is for a whole village, and not for a certain revenue for which the village was assigned as an equivalent, all cultivation or cultivable area in the village is included in the grant. But nothing is to be assumed as granted; it must be specifically mentioned in the grant in order to be claimed in it. For instance, unless forests rights are specifically granted, the inámdar has no right to them. This is a very important point, for the management of Government forests is much complicated by the vicinity of inám forests. This point again bears inferentially upon kumri rights. Kumri can only be carried on at some detriment to the forests. If the inámdar does not possess forest rights, Government may have allowed him to cultivate kumri on sufferance, because it did not concern itself about the forest, the right to reserve them, however, remaining unaffected; whenever Government chooses to exert and put into force its right of preserving the forests, it certainly may insist upon the cessation of kumri so far as it is inconsistent with that preservation. The question of forests and kumri lands are not touched upon very decidedly in the papers under notice; all I can therefore give as my opinion is that great caution should be exercised, lest new rights should be given which will prove greatly to the detriment of the State.

31. I would here note one point in para 48, where a decided misapprehension occurs. It is stated that the Malnád rékha-nashta lands are the same as those designated in the Maidán talooks, kharáb, parembók, or nálayakh. This is a great mistake, and one that may induce much mischief if action is taken under the idea that, in giving away rákha-nashta land, that which is of little value is given away. The meaning of the term is simply and purely "unassessed," "assessment *non est*" putting a Persian word into Latin. The land may be very good in quality, but from one cause or another, whenever the ancient assessment was placed upon the different "Stals" or "Dags" this land was un-reclaimed or not in cultivation, or being cultivated, has since fallen waste, and the assessment has dropped out of sight. Rékha-nashta in Canara, and I believe it will similarly prove in Mysore, is a very convenient term, under the cloak of which very extensive and fraudulent manipulations of the ancient assessments have been practised by the village officers.

32. Para 52.—Ináms in káns. Here again the identification of the situation of ináms is apparently left to the Inám officers. I can say no more than I have in other parts of this letter against this proposition.

33. Para 55.—Shist and Kattagaddé ináms. The last kind of ináms, I am uncertain about. I am very doubtful if they are synonymous with shist ináms, if the description given of these is correct, namely, ináms held on payment of shist without "Patti." And therefore it appears to me that further investigation into the nature of these kattagaddé ináms is called for.

34. As regards the shist ináms, they are stated to be ináms held on the shist or ancient Bednúr assessment without having been subjected to the patti or extra cesses imposed subsequently to the original Bednúr assessment. We have full information regarding the nature of the shist and its estimated average proportion to gross produce from various sources, especially Sir T. Munro's reports. We know that our survey

assessment is lower than the shist without the patti in its pressure on gross produce, and therefore in dealing with these so called ináms we shall be only securing the rights of Government if we insist on the payment of the full survey assessment. They have no claim to more than was granted, and it does not concern these inámdars, so called, if we have placed all the other land-holders in such a position that they do not preserve their relative advantage over them.

35. Paras 69, 70.—I can hardly believe that I read these paras aright. It is stated that except in special and exceptional cases, local cess only will be charged upon the Malnád ináms and not irrigation cess, "as there are no tanks in the Malnád." I certainly cannot concede the latter asserted fact, for my impression is that there are a great many tanks in the Malnád. But whether there are or not is a matter of no consequence. Irrigation cess is not imposable only on land watered from tanks, but on all irrigated land without any distinction as to the source from which it is irrigated. It is in fact imposed on all land that is not dry crop land; why therefore irrigation cess should be foregone on wet inám lands in the Malnád, I cannot understand; it may be a very liberal concession to the inámdars, but it certainly is unjust to the Government and to the other tax payers.

36. It appears to me that we are too much in the dark as to what we have to deal with in the Malnád in the shape of inám grants, and what mode or base is available to us on which to treat them so as to give the inámdars their rights and not to give away at the same time those of the Government or the land-holders.

37. Before any course of action is laid down for these districts, it is advisable that we should have the fullest information as to what we have to deal with, and what information is available to enable us to base a just decision upon. I have extreme doubt if anything can be finally done in a satisfactory manner until the ináms claimed have been identified, if possible, as to situation, and brought to book as to value by the survey and settlement. But in the meantime no harm can be done in the settled talook of Soraba, in making a record and register of ináms with a specification exactly shewing the terms of each grant and what is granted. Then it would be feasible to dispose of a certain number of cases on their respective merits, and establish precedents for disposing of other cases of a similar or cognate description.

38. In the unsurveyed talooks in the Malnád, I can see no use in attempting more at present than the making out a register of ináms, and a specification of the terms of the grant, for going any farther before the settlement no reliable information appears to be available. We should be working in the dark, taking most important steps on the most imperfect and unsatisfactory information, and beyond the power of after remedy.

I have, &c.,

(Sd.) W. C. ANDERSON,

Survey and Settlement Commissioner,

Mysore.

"True Copy,"

ROB. COLE,

Offg. Inám Commissioner.

No. 339.

INAM COMMISSIONER'S OFFICE,

CAMP LAKKUVALLI, *dated* 18*th January* 1872.

To

THE COMMISSIONER OF REVENUE SURVEY AND SETTLEMENT

IN MYSORE.

SIR,

I have the honor to acknowledge the receipt of your No. 17 of the 6th instant, and regret to find such a sweeping condemnation of the procedure laid down by me for the settlement of the Malnád ináms; but I trust to be able to shew you, from the statistics I am now gathering, that the rules laid down by me merely contained the abstract principles which should guide us, and that their application, on facts being established, is in accordance with your own views. I beg to submit the following brief replies or comments on the paras of your letter seriatim.

2. Your para 2.—The vexed question as to whether land formed the inám or not will be best disposed of after the completion of the record of the ináms; but, as far as I have gone, I am of opinion that it has been fully proved in most cases. In the case of whole villages the sannads often contain the words—

"Bhú dánam dharma shásana" or "charitable grant of land;" the boundaries of such land are given and its enjoyment up to date established. In some such sannads every thing *above and below the soil* are conveyed away. In the case of the minor or personal ináms we find the land in most cases identified, and the *inámdars' ryots* cultivate such lands, and other ryots cultivate the rest of the warg-lands as the sub-tenants of the wargdars. In the Kávaledurga Talook, and the pure Malnád generally, the paddy lands are really held by a hereditary class of vulumédars or sub-tenants, who cannot be ousted by either the wargdar or the inámdar. In the Soraba Talook, the officers of your own Department have in most cases, I believe, identified the inám land in a warg, and have marked it off with the usual "Bánds." In the Ságara Talook only seven per cent of inám lands were not identified; but in other cases the numbers of the fields forming the ináms are given in the pahani and chittá accounts from 1834. It is true that the numbers of the fields are not given in the older jári inámti accounts; but the number or name of the *warg* is also not given. In fact, as far as I can see, the word warg never appears till the pahani accounts introduced in 1834 to 1836 by our officers. At that time this record of lands would appear to have been made, and all lands in the enjoyment of the inámdars, or on which their lien was considered to exist, were clearly entered with their numbers. The word warg now popularly denotes a farm or holding, and the wargs in the Soraba Talook are, like those in Coorg, complete farms within their respective ring-fences; but in the pure Malnád, the fields composing the warg are not only situated in different parts of the same village, but also in other villages. In fact the fields, whether paddy lands or areca plantations, held by one man, were entered in the first pahani account in his name, were constituted his warg which took his name, and were brought under one warg number. Hence the assertion by the inámdars that their lands existed long before they passed into the possession or cultivation of other classes, because, as Brahmans, they did not cultivate themselves, and became incorporated into the warg, which was a modern creation of our own, and cannot be traced before 1834.

Para 3.

3. I quite concur with you that both kinds of ináms may be found; but I believe that in the majority of cases the land will be identified. In the case of the káns or forest tracts, we generally find that they are held by the village community, who pay a shist, a part of which is only paid to an inámdar. He has certainly been allowed to take wood, like all classes before the establishment of the Forest Department, from the káns; but he has never enjoyed the land, and, by receiving a portion of the revenue derived thereon, he cannot be considered the owner of the whole kán.

4. The quotation from Sir T. Munro's report, I presume, merely alludes to the District of Canara, as I do not believe he had the opportunity of
Para 4. inspecting the sannads of the Mysore Province, and especially those granted for the Malnád ináms, which, as far as I have yet seen, undoubtedly allude to, and convey the right in, the land. Such sannads are however, only to be found for whole villages and agrahars, except in the case of a few personal ináms, for which we are guided by the jári accounts and actual enjoyment and possession.

5. The identification of the inám land consists in the numbers of the fields as shewn in the pahani accounts since 1834, in the area of those fields
Para 5. corresponding with the area of the inám granted or entered in the earlier jári accounts from 1801-2, in those fields being held by the inámdar and cultivated by his sub-tenants, or in the admission of the wargdar that the entries in the pahani accounts are correct, and payment by him of the rent or in kind. In some cases, especially in complete wargs, the inám lands have become lost and merged in the warg, and were not identified on the introduction of the pahani accounts. The very entry of the numbers of the inám fields in 1834 shews that they were then identified, and that those which were not identified were omitted. It may, therefore, be said that most of the inám lands were *then* known and identified, and that the first pahani accounts virtually contained a record of such *lands*.

6. I would generally concur with your remarks in paras 6 to 15, and especially those made in para 7; but you will observe that the Chief
Paras 6 to 15. Commissioner (Mr. Bowring) had sanctioned such fields being converted into jódi in the Secretary's No. 5615—117 of the 2nd February 1869, a copy of which is herewith submitted. In fact I would beg to point out to you that my Proceedings have been based on the Inám Rules and on the special instructions conveyed for the treatment of the Malnád ináms. The final instructions of the Committee, as quoted in para 8 of my Proceedings No. 17, shew clearly that the land was to be conveyed if identified, that a cash payment was to be made in cases where it was not identified, and that the inámdar was to *select* land in lieu at the survey settlement. Surely from this I could only conclude that the Committee had finally admitted the existence of the land as inám, and that the identification of it was the only point at issue, which would have to be disposed of on the *merits of each case*.

7. I fully concur with you that the conversion of part Government and part inám fields into jódi is not advisable, and that it would prevent the Government portion of each such field having its assessment periodically revised, unless previously stipulated for. I may here mention that it has similarly struck me that, in adding all excess to the inám and its assessment to the jódi on the jári inám so as to form a combined quit-rent, all inám lands in the Maidán talooks, in which an excess above what was allowed has been found, have become jódi, and that the real excess, which was fully taxed, will escape a revision of assessment hereafter. I would concur with the remarks in your para 14 as far as they relate to inám *cash* grants, if such grants exist, which I do not believe; in fact to all your proposed treatment of such ináms; but the real question to be decided is, whether the Malnád grants were for cash or for land. As regards a wargdar throwing up "all his warg," I have shewn that in the pure Malnád the warg almost always consists of one field or of a number of isolated fields. Under the impression that wargs are complete farms within a ring-fence, the wargdar has been prevented from resigning a field of his farm, which field is perhaps situated in a different village. These are not real wargs, and the wargdar should receive a separate patta for each isolated field, or one for all the fields he may hold, without calling it a warg.

8. These paras seem to me to re-open the *quæstio vexata* as to whether the Malnád ináms were grants of land or mere assignments of the
Paras 16 and 17. revenue thereon. I was under the impression that this question had been, if not solved, disposed of, and I trust that the statistics being now compiled by me will shew that the solution already arrived at is correct.

19. I would beg to refer you to my Memo on the káns of Malúru and letter marginally noted to the Superintendent of Nagar, regarding the treatment of the Malnád káns.

Para 32.
No. 368 of 29th December 1871.

20. I would beg to refer you to my letter No. 47 of 9th November 1871, to the Superintendent of Nagar, relative to the shist kattagaddé lands, and to the settlement report of the Soraba Talook, and to state that such lands have been generally disallowed as ináms.

Paras 33 and 34.

21. I was certainly in error in stating that there were no tanks in the Malnád, though there are few, if any, in the purely Malnád talooks which are maintained by the Government or form a series of tanks. I intended to allude to the kógús or ranges of paddy lands, which have no tanks whatever at their head, and which are dependent on the monsoon and the streams that flow from their own kán and hádya lands. In such cases, I consider that the irrigation cess is not imposable, as the higher rates of wet and garden assessment are imposed on these lands on account of such cultivation.

Para 35.

22. I entirely concur with you that we have been hitherto very much in the dark as regards the Malnád ináms, but I trust that the statistics now obtained by me will enable us to dispose of these ináms without further delay. I have, however, had the inám registers prepared and the fullest information procured, with the express object of laying them before the Chief Commissioner and yourself for final consideration.

Paras 36—37.

23. In conclusion, however, I would beg to remark that my proceedings have been entirely based on the understanding that it had been finally settled that the land had formed the inám and that, where such land was not indentifiable, the inámdar had the right of selection. Instead of giving him the option of selecting the best field in the warg, I propose to assign any field of equal value to his inám, the wargdar's consent being obtained. This obviates the necessity of granting a money certificate, which has to be recommuted into land. Indeed I fail to see why money certificates should at all be issued and Government become the actual payer of ináms for a few years. In cases where the land was not identifiable, we ought to merely declare the value of the inám and leave the existing state of affairs, of the inámdar receiving his dues from the wargdar, till the Survey Department assigned the field or fields, unless we are allowed to assign them at once.

I have, &c.,
(Sd.) ROB. COLE,
Offg. Inám Commissioner.

MYSORE COMMISSIONER'S OFFICE,
No. 5615—117. CAMP BASVANKOTA, *dated 2nd February* 1869.

To

THE INAM COMMISSIONER IN MYSORE.

SIR,

In acknowledging the receipt of your letter No. 85 of the 22nd ultimo, in para 2 of which you propose, in the absence of any boundary defining their limits, to consitute into jódi tenures the ináms specified in class A of Major Prescott's letter No. 487, dated 25th May last, of which there are 20 cases, I am directed to state that, in the 16 cases where the wargdar and inámdar are one and the same person, the course contemplated seems to the Commissioner judicious, the quit-rent for enfranchisement being imposed. In the other 4 cases where a portion of the assessment is payable to religious institutions, it appears to the Commissioner that the present holder should retain possession of the land, his title deed shewing the lien held by the institution on his property and the

amount payable by him to it. With respect to your proposal that separate land should be assigned to the wargdar in the event of his rejecting the above arrangement, I am desired to say that as the plan would probably lead to detaching portions of a warg, the Commissioner does not recommend its adoption, unless a rájináma be freely given by the wargdar for such land, when it will be entirely separated from his holding for the future. It it not unlikely that the inámdar may object to receiving such waste land in lieu of a certain money payment, in which case, the course first pointed out seems to the Commissioner preferable.

2. The cases referred to in class B of Major Prescott's letter do not seem to present any special difficulty in dealing with them.

3. With reference to para 4 of your letter, I am to observe that the Commissioner does not perceive any absolute necessity for assigning land in lieu of money to the inámdars under discussion, or why the condition hitherto enforced of money payments by the wargdar is open to objection. If any such objections exist, they should be brought forward for further consideration, but there is evidently a distinction between money payments made direct by the State, and those incumbent on the owners of land of which a portion of the assessment has been remitted with a view to the wargdars themselves paying the inám money. The Commissioner does not see why the Government should take upon itself the responsibility of the payment now entailed on the latter.

4. For the reasons given above, the Commissioner considers it unnecessary to discuss the questions raised by Mr. Narsimmaiengar, as they proceed upon the assumption that land must be found for inámdars in all cases.

I have, &c.,

(Sd.) T. CLARKE,
Offg. Secretary.

"True Copy,"

ROB. COLE,
Offg. Inám Commissioner.

Inclosed Papers.—

1—Affy Jno. Cox & Mo. 95 Dy—4th Dec. 1871 & Counterpart, & Recog. No. 17—18—19 & 21 Dy—18th October—13th & 22nd Nov. last and 9th Dec. last 1871 respectively.—

2. Affy: Jno. Cox & No. 108 Dy—4th Jany 1872 and Counterpart—

3. Surrey & Settlement (Municipal) No. 17 Dy—6th Jany 72 & Affy Jno. Cox

4. Affy: Jno. Cox & No. 3 Dy Dy—8th Jany 1872 & Surrey & Settlement (Mun.)

5. Affy Jno. Cox & Exhibition the Rev. Stephen Hampson of the Hamburgh Suburbs, and the Name of Parties in the Same Suburbs, Dy—4th & 8th Jany 1872 respectively.—

6. Affy. Jno. Cox & Decree Dy. 26th Jany 72 in the Causes entitled in the Inclosed as

Mile Land of the Sleeper Division —
J. Survey & Settlement Co. ... 7
Memo: No 2578 - 1st Recd 1/72 in
the 12th week of dating with
Enclosed Memo —

1 I have perused with atten-
tion the whole of the Correspondence
above, and have had the opportu-
nity of discussing fully with
the Mg. Dirs Co. & the Survey
& Settlement Com., respectively,
and will be able to give the
Committee further information
there —
2. I have already recorded my
opinion

on the most important points noticed
in the Drafts of the Affy. in our
Com. proceedings included under
Nos of the Cases; and are as fol-
low, after a careful consideration
of all that is now before me &
all that has since been stated
to me on this subject, I am still
of opinion as before ~~stated~~ expressed. 1
3. The Affys Jones Co. S. and Ri-
chards have had at much
pains to obtain full & accurate
information on all the points
appearing to be deemed ma and
their Reports merit careful pe-
rusal & consideration, but the
impression left on my mind,
after perusing them and the

Memorandum from the Survey
Settlement Board, in that while
their Engineers have practically closed
up some of the questions at issue,
the Colonist are still of the necessity
to ensure a fair settlement of the
Lands under consideration and
that this can only be secured
by their sentiment as regards the
questions connected with lands
belonging to or supposed to belong
to the ... being decided in con-
junction with the Survey and
Settlement Board, between them and
the Home Dept. It appears to me
to be essential that there should be
further records in respect of such questions.

4 Thompson's proceedings & depositions steps is laid by the Mgr. Com. in the "Result of the discipline of the Com. Army Creation" held at Bangalore on 15th Jany 1870. Quoted in para 8 of his proceedings No. 17. & which appears to contemplate the attempted identification of Com. lands in the various Pro. which such persons have hitherto been found to the Com. Govt, & to substitute the Com. lands selected on by the Com. dept, the words "where the land cannot be defined" being held to involve this risk.—

5. And Mr. Bowring suggested the fact information on this question

that has ever been entitled, I think it may be probable he would have entertained such a conception, however this may be, I have no hesitation in avowing my opinion that abstracted from the original character of the grant, in the Charter, we are in no way called upon to enquire how & by whom title to the property it may then have been held, in any case in which a claim for the original land is made -

According to my view, the duty of the Crown Surveyor is to deal with the Claim as to the Spiritual, as contained by the Crown Deed, &

I therefore consider that in the case of the Lands in question, the attempted identification of Lands no longer in the possession of the Grantors should be wholly extinguished, & that the Grantees Agents should confine themselves to ascertaining & fixing the amount of Cash to which each Grantor is entitled, & completing the Grant to them by a title deed. All questions connected with the subsequent Commutation of each Grantee's Land should be left wholly and absolutely to the Survey Dept, & the Grantees should in no way interfere therewith.

I have the honor, therefore, to be

the

Whereas no rule, to ascertain the proper depth of the hand constituting his base, as established by the Law and the amount ~~of~~ thereof should be ascertained to him as directed by the Law. Now, all questions of disagreement and disagreement connected with such hand being left to the Survey Depth, which alone, it seems to me, is competent to deal therewith.

2. If this general principle is adopted the questions connected with these Surveys, which are disputed at the hearing by the Surveyors appointed at the hand of this Court, will be dealt with by the depth which alone can do so satisfactorily, & with which to present

themselves in the contested Rights
transactions of former in which they
have been held before and in that
manner; and the Lords Reps. to the
be obtained from a book which has
the above appeared & to former
practice special duty & which I am
think it competent to carry out
in a respectful dutiful & satisfac-
-tory manner.

9 Referring to Para 33 of the Hy:
Secn Com.rs Report of 26th May 72, which
sums up his proposed treatment of the
Question, I have no objection to offer to
the course proposed under that head
I, excepting that all questions connected
with Annuities and Lodge Lands not dis-
-tinctly included in the original grant should be

last year disposed by the Survey Dept.-

(II) As regards list head 2, the paper should undoubtedly be to fix the area and value of the Grants & leases the appointment, measurement, apportionment & demarcation of the land pressing the claims of the Survey Dept - besides no time-barring should lands not clearly identified for the Grants & the accounts be assigned by the Land Dept.-

(III) As regards list head 3. the attempted classification & allotment of Waste lands is a Bog, where the Government is no longer in possession of such lands, is shortly opposed by many claims, and I deem it unnecessary at present to discuss it's discontinuance - further I cannot concur in the obtain proposed,

in the ensuing year of the Lease
of 15th June/70, to be given to Saunders, to
which the Equivalent of third cash payments
is found in the Way from which they
derive the same, and Accordingly
direct that such Sum shall not
be recorded there. Such a Measure
cannot but lead to Complication &
trouble, while it can in no way
benefit the Saunders & the Acquirer
thereby no Proprietary Right in such
land nor does the Power of Resumption
- selling &c. pay it - The Management
by which Govt. undertakes the final
Payment of the Amount he has
hitherto derived from the Working
should be held to Just an End,

in Lieu a Case, to all Communi-
cations between the Indians & the
Prop.- Should any Indians passing
under this Chief desire to Commu-
nicate with Government as Confirmed &
by the Hon.ble Dept. for Land, his Appl.-
- plication to that effect will be dealt
with by the Surveyor Dept.t at the
introduction of the Settlement into
the Interior.- It is Recommended that the Survey
Gen.l is Required to Lead Communica-
tions Examined, but I am to Sug-
- gest that Application be Made a Course,
if Land is available.-
IV. The Fourteen Hundred Pounds Sub-
scribed 4-5 x 6 will be Considered
& disposed of in Communication

with the Survey Govt.-

10- With respect to the Canara Govt's Memo: re- the Bhadrapura Bagani of the Kavalekoppa Tabark, I beg leave to the conclusion, upon full consideration of the case, that the proposed settlement should be referred to the Survey Govt. for his opinion by the Canara Govt., consent of the parties being first obtained to which it is very desirable he should be consulted - The question of whether the Villages comprising this Bagani should be treated as Govt. or Mota Inams, is a very important one & requires careful examination, as indeed does

Everything connected with Surveys
generally in the Hundred Reports -
11- Report sent to the Treas. on the
Navy of Rockaway in the Shrewsbury Inlet,
the Surveyor Gen'l proposes that the Improvements thereon
made by the Government be disposed of -
12- The Navy appears to be worthless,
but I think it better that it should be sold
Reference to Survey Gen'l - Estimate of
Survey of these Navy Yards appears
to be absolutely required for a proper
understanding of the questions involved
- ordered in these Reports, and the rights held in them
by the Company & Individuals -
Mr Hamlin noticed in Items 7, 8 & 10 of
the Treas. Reports compels consideration
12. Separate Opinion will be given on the Report under head No 24
13- Report Closing the Note, of the head of this
Note -

desire to place on record that, to, in the previous position of the questions under consideration, I deem it absolutely necessary to defer passing final orders on them until they have been referred to and considered by the Survey & Settlement Commissioner, I am satisfied that the Magistrate Col. has made every effort to obtain accurate information on all doubtful points bearing thereon, and that his recommendations and views have not been put forward till the most careful consideration he has been able to devote to the subject.

8 April/72

R. Lumsden

The dispatch of the Navy
has been referred to the
orders of Gen. have been received
on the proposed organization
of the Indian Dept, when a copy
of it will be forwarded by
Capt. Coles, and another by
Col. Anderson of the routes
recommended by him to Sherman
Sometime -

P. C.

8/4/72

1872 No. 22

From Hon. Survey & Settlement

To Commissioner Poona

Dated 15th July

Despatched July/72.

Received July 19 1872

Enclosures No.

General No. 2744 } 1872/73

With reference to the correspondence regarding Jodwar Inam Land, I refer to this Office No. 836 of the 15th July enclosing his report which is equally applicable to the Survey Case Talu

Letter for Export 19.7.72

No letter and the Maps for Coll. were sent in the Covers of 31.7.72

Inam Survey Office No 16

I/16

I have already communicated to Mr. Anderson how he is managed in his Office No. 836 and by that he will instruct the Inam Supt. accordingly. The Office case of the Inam Settlement of the Kolhapur Jahgir. The Commissioner of Land holding Certain Inam and Service lands into an Enquiry. In the Enquiry for the Taluka should be

P 19-7-72

Prohibited except
under special circ
-ta- in such case

The subscription
for any circulation
of the Key Stone.
Can Register the
Stone Issued of the
Letter Heads will
be supplied.

The Enclosed
will be returned
to Col Anderson

Yours

No 843 of 1872.

Survey Commissioner's Office

Poona 15th July 1872.

Memorandum.

With reference to the appended correspondence I would beg to refer to my Memo No 836 to the address of the Secretary to the Chief Commissioner of this days date. The view there advocated appear to equally apply to the Sureekere Talooka. I cannot help noticing that the report of the Assistant Enam Commissioner appears to endeavour to force the conclusion that there is no resource but to make lands of one holding now partly Enam and partly Government, Joodee in future a course which appears to me unnecessary and objectionable.—

General No 780
Revenue — " — 42 of 28th April 1872 from Secretary to Chief Commissioner to Officiating Inam Commissioners and appended papers.

2. Whatever an Enam may be the

the Survey Department require only to know the tenure on which it is confirmed and the value up to which it is confirmed by the Enam Department:-

3. The appended papers are forwarded for convenience of reference. It is requested that they may be returned with the Chief Commissioner's orders.-

27/3/72

for Survey and Settlement Commissioner S. D.

From 1872

To The Survey & Settlement Commissioner

Dated 6th
Despatched } August
Received

Enclosures No.

General No. 2465 } 1872/173
No 98

With reference to your No. 643 of the 16th Ultimo, I state that the concession in this case is one which I request to be instructed the Surveyor Superintendent accordingly in the case of the Enumeration of the Kobbin Saloon.

6th August 1872

General No. 2465
Rev: 98

To
The Survey and Settlt Commr
of Mysore

Sir,

With reference to your Memo.m No. 843 of the 15th ultimo, on the Subject of the Settle=ment of holdings Consisting of partly Inam and partly Govt lands, I am directed by the Chief Commr to state that he concurs in your views as Conveyed in your Memo.d No 836 of the 15th July last, and to request that you will be good Enough to instruct the Inam Supt accordingly in the Case of the Inam Settlement of the Koppa Taluk. The Conversion of a mixed holding Containing Inam and Sirkar lands into an Inam Jodee tenure for the whole, should be forbidden, & cept under Special Sanction in

Each

Each case.

The Enclosure of your Memo^{m} under reply is herewith returned as requested.

Wm
2/8/72

Have &c:

N.

Off^{g} Secretary.

1

F. 82.

From 1872.

To The Superintendent of Inam Settlement.

Dated 6th August

Despatched

Received

46

Enclosures No.

General No. 2465 } 18

R- No. 99 }

Has the honor to request that the Registers of the Rajja Davastan Inams may be submitted for the Chief Commr's inspection before the issue of Title deeds for them.

A Copy of the letter addressed to the Survey Commr on the subject of the Inam Supt's reference is sent for his information.

By order

3/8/72

for Offg Secretary

* No. 2465/R98 of 6th augt/72